

Work Practice Standards - Outline

§ 745.85 Work practice standards.

(a) *Standards for renovation activities.* Renovations must be performed by certified firms using certified renovators.

(1) *Occupant protection.*

(2) *Containing the work area.*

(3) *Prohibited and restricted practices.*

(4) *Waste from renovations*

(5) *Cleaning the work area.* After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.

(b) *Standards for post-renovation cleaning verification—*

(1) *Interiors.*

(2) *Exteriors*

(c) *Optional dust clearance testing.*

(d) *Activities conducted after post-renovation cleaning verification.*

Work Practice Standards - Rule

§ 745.85 Work practice standards.

- (a) *Standards for renovation activities.* Renovations must be performed by certified firms using certified renovators as directed in § 745.89. The responsibilities of certified firms are set forth in § 745.89(d) and the responsibilities of certified renovators are set forth in § 745.90(b).
- (1) *Occupant protection.* Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed. If warning signs have been posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not required by this section.
- (2) *Containing the work area.* Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.
- (i) *Interior renovations.* The firm must:
- (A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.
 - (B) Close and cover all ducts opening in the work area with taped down plastic sheeting or other impermeable material.
 - (C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
 - (D) Cover the floor surface, including installed carpet, with taped down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.
 - (E) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.
- (ii) *Exterior renovations.* The firm must:
- (A) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.
 - (B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

- (C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering.
 - (D) In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.
- (3) *Prohibited and restricted practices.* The work practices listed below shall be prohibited or restricted during a renovation as follows:
 - (i) Open-flame burning or torching of lead-based paint is prohibited;
 - (ii) The use of machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited unless such machines are used with HEPA exhaust control; and
 - (iii) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.
- (4) *Waste from renovations*
 - (i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.
 - (ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
 - (iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.
- (5) *Cleaning the work area.* After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.
 - (i) *Interior and exterior renovations.* The firm must:
 - (A) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
 - (B) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.
 - (ii) *Additional cleaning for interior renovations.* The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:
 - (A) *Walls.* Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
 - (B) *Remaining surfaces.* Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs.
 - (C) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate

from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(b) *Standards for post-renovation cleaning verification—*

(1) *Interiors.*

- (i)** A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

(ii) After a successful visual inspection, a certified renovator must:

(A) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.

- (1)** Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.
- (2)** If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in paragraphs (a)(5)(ii)(B) and (a)(5)(ii)(C) of this section, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.
- (3)** If the cloth does not match and is darker than the cleaning verification card, clean that windowsill again as directed in paragraphs (a)(5)(ii)(B) and (a)(5)(ii)(C) of this section and wait for 1 hour or until the surface has dried completely, whichever is longer.
- (4)** After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

(B) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

- (1)** If the cloth used to wipe a particular surface section does not match the cleaning verification card, re-clean that section of the surface as directed in paragraphs (a)(5)(ii)(B) and (a)(5)(ii)(C) of this section, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.
- (2)** If the cloth used to wipe a particular surface section does not match the cleaning verification card after the surface has been recleaned, clean that section of the surface again as directed in paragraphs (a)(5)(ii)(B) and (a)(5)(ii)(C) of this section and wait for 1 hour or until the entire surface within the work area has dried completely, whichever is longer.
- (3)** After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation

cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

- (iii) When the work area passes the post-renovation cleaning verification, remove the warning signs.
- (2) *Exteriors.* A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.
- (c) *Optional dust clearance testing.* Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another Federal, State, Territorial, Tribal, or local law or regulation requires:
 - (1) The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.
 - (2) The dust clearance samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.
 - (3) The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in § 745.227(e)(8) or any applicable State, Territorial, Tribal, or local standard.
- (d) *Activities conducted after post-renovation cleaning verification.* Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-renovation cleaning verification has been performed.

Record Keeping and Reporting Requirements - Outline

§ 745.86 Recordkeeping and reporting requirements.

- (a) Firms performing renovations must retain records for a period of 3 years.
- (b) Records that must be retained pursuant are:
 - (1) Reports certifying that lead-based paint is not present on the components affected by the renovation.
 - (2) Signed and dated acknowledgments of receipt of pamphlet.
 - (3) Certifications of attempted.
 - (4) Certificates of mailing.
 - (5) Records of notification activities performed regarding common area renovations, and renovations child-occupied facilities.
 - (6) Any signed and dated statements received from owner-occupants documenting that the requirements of § 745.85 do not apply.
 - (7) Documentation of compliance with the requirements.
- (c) When test kits are used, the renovation firm must, within 30 days of the completion of the renovation, provide identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results to the person who contracted for the renovation.
- (d) If dust clearance sampling is performed in lieu of cleaning verification, the renovation firm must provide, within 30 days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation.

Record Keeping and Reporting Requirements - Rule

§ 745.86 Recordkeeping and reporting requirements.

- (a) Firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation. This 3-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable State or Tribal laws or regulations.**
- (b) Records that must be retained pursuant to paragraph (a) of this section shall include (where applicable):**
 - (1) Reports certifying that a determination had been made by an inspector (certified pursuant to either Federal regulations at § 745.226 or an EPA-authorized State or Tribal certification program) that lead-based paint is not present on the components affected by the renovation, as described in § 745.82(b)(1).**
 - (2) Signed and dated acknowledgments of receipt as described in § 745.84(a)(1)(i), (a)(2)(i), (b)(1)(i), (c)(1)(i)(A), and (c)(1)(ii)(A).**
 - (3) Certifications of attempted delivery as described in § 745.84(a)(2)(i) and (c)(1)(ii)(A).**
 - (4) Certificates of mailing as described in § 745.84(a)(1)(ii), (a)(2)(ii), (b)(1)(ii), (c)(1)(i)(B), and (c)(1)(ii)(B).**
 - (5) Records of notification activities performed regarding common area renovations, as described in § 745.84(b)(3) and (4), and renovations child-occupied facilities, as described in § 745.84(c)(2).**
 - (6) Any signed and dated statements received from owner-occupants documenting that the requirements of § 745.85 do not apply. These statements must include a declaration that the renovation will occur in the owner's residence, a declaration that no children under age 6 reside there, a declaration that no pregnant woman resides there, a declaration that the housing is not a child-occupied facility, the address of the unit undergoing renovation, the owner's name, an acknowledgment by the owner that the work practices to be used during the renovation will not necessarily include all of the lead-safe work practices contained in EPA's renovation, repair, and painting rule, the signature of the owner, and the date of signature. These statements must be written in the same language as the text of the renovation contract, if any.**
 - (7) Documentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:**
 - (i) Training was provided to workers (topics must be identified for each worker).**
 - (ii) Warning signs were posted at the entrances to the work area.**
 - (iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.**
 - (iv) The work area was contained by:**

- (A) Removing or covering all objects in the work area (interiors).
- (B) Closing and covering all HVAC ducts in the work area (interiors).
- (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
- (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
- (E) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
- (F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors);
- (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- (v) Waste was contained on-site and while being transported offsite.
- (vi) The work area was properly cleaned after the renovation by:
 - (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- (vii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).
- (c) When test kits are used, the renovation firm must, within 30 days of the completion of the renovation, provide identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results to the person who contracted for the renovation.
- (d) If dust clearance sampling is performed in lieu of cleaning verification as permitted by § 745.85(c), the renovation firm must provide, within 30 days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation.

Certification - Outline

§ 745.89 Firm certification.

(a) *Initial certification.*

- (1) Firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling.
- (2) After EPA receives a firm's application, EPA will take action within 90 days of the date the application is received.

(b) *Re-certification.* To maintain its certification, a firm must be recertified by EPA every 5 years (May change if/when State obtains authorization.).

(c) *Amendment of certification.* A firm must amend its certification within 90 days of the date a change occurs to information included in the firm's most recent application.

(d) *Firm responsibilities.* Firms performing renovations must ensure that:

- (1) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator.
- (2) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator.

§ 745.90 Renovator certification and dust sampling technician certification.

(a) *Renovator certification and dust sampling technician certification.*

- (1) To become a certified renovator or certified dust sampling technician, an individual must successfully complete the appropriate course.
- (2) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who have successfully completed an EPA, HUD, or EPA/HUD model renovation training course may take an accredited refresher renovator training course in lieu of the initial renovator training course to become a certified renovator.
- (3) Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician.

(b) *Renovator responsibilities.* Certified renovators are responsible for ensuring compliance. A certified renovator:

- (1) Must perform all of the tasks described in § 745.85(b) and must either perform or direct workers who perform all of the tasks described in § 745.85(a).
- (2) Must provide training to workers.
- (3) Must be physically present at the work site when the signs are posted, and while the work area cleaning is performed.
- (4) Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
- (5) Must be available, either on-site or by telephone, at all times that renovations are being conducted.
- (6) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint.
- (7) Must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

(c) *Dust sampling technician responsibilities.* When performing optional dust clearance sampling, a certified dust sampling technician:

- (1) Must collect dust samples, must send the collected samples to a laboratory, and must compare the results to the clearance levels.
- (2) Must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

§ 745.91 Suspending, revoking, or modifying an individual's or firm's certification.

- (a) *Grounds for suspending, revoking, or modifying certification.*
- (b) *Process for suspending, revoking, or modifying certification.*

Certification – Rule

§ 745.89 Firm certification.

(a) *Initial certification.*

- (1) Firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling. To apply, a firm must submit to EPA a completed “Application for Firms,” signed by an authorized agent of the firm, and pay at least the correct amount of fees. If a firm pays more than the correct amount of fees, EPA will reimburse the firm for the excess amount.
- (2) After EPA receives a firm’s application, EPA will take one of the following actions within 90 days of the date the application is received:
 - (i) EPA will approve a firm’s application if EPA determines that it is complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. An application is complete if it contains all of the information requested on the form and includes at least the correct amount of fees. When EPA approves a firm’s application, EPA will issue the firm a certificate with an expiration date not more than 5 years from the date the application is approved. EPA certification allows the firm to perform renovations covered by this section in any State or Indian Tribal area that does not have a renovation program that is authorized under subpart Q of this part.
 - (ii) EPA will request a firm to supplement its application if EPA determines that the application is incomplete. If EPA requests a firm to supplement its application, the firm must submit the requested information or pay the additional fees within 30 days of the date of the request.
 - (iii) EPA will not approve a firm’s application if the firm does not supplement its application in accordance with paragraph (a)(2)(ii) of this section or if EPA determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. EPA will send the firm a letter giving the reason for not approving the application. EPA will not refund the application fees. A firm may reapply for certification at any time by filing a new, complete application that includes the correct amount of fees.

(b) *Re-certification.* To maintain its certification, a firm must be recertified by EPA every 5 years.

- (1) *Timely and complete application.* To be re-certified, a firm must submit a complete application for re-certification. A complete application for re-certification includes a completed “Application for Firms” which contains all of the information requested by the form and is signed by an authorized agent of the firm, noting on the form that it is submitted as a re-certification. A complete application must also include at least the correct amount of fees. If a firm pays more than the correct amount of fees, EPA will reimburse the firm for the excess amount.

- (i) An application for re-certification is timely if it is postmarked 90 days or more before the date the firm’s current certification expires. If the firm’s application is complete and timely, the firm’s current certification will remain in effect until its expiration date or until EPA has made a final decision to approve or disapprove the re-certification application, whichever is later.
- (ii) If the firm submits a complete re-certification application less than 90 days before its current certification expires, and EPA does not approve the application before the expiration date, the firm’s current certification will expire

and the firm will not be able to conduct renovations until EPA approves its re-certification application.

- (iii) If the firm fails to obtain recertification before the firm's current certification expires, the firm must not perform renovations or dust sampling until it is certified anew pursuant to paragraph (a) of this section.
- (2) *EPA action on an application.* After EPA receives a firm's application for re-certification, EPA will review the application and take one of the following actions within 90 days of receipt:
 - (i) EPA will approve a firm's application if EPA determines that it is timely and complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. When EPA approves a firm's application for re-certification, EPA will issue the firm a new certificate with an expiration date 5 years from the date that the firm's current certification expires. EPA certification allows the firm to perform renovations or dust sampling covered by this section in any State or Indian Tribal area that does not have a renovation program that is authorized under subpart Q of this part.
 - (ii) EPA will request a firm to supplement its application if EPA determines that the application is incomplete.
 - (iii) EPA will not approve a firm's application if it is not received or is not complete as of the date that the firm's current certification expires, or if EPA determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. EPA will send the firm a letter giving the reason for not approving the application. EPA will not refund the application fees. A firm may reapply for certification at any time by filing a new application and paying the correct amount of fees.
- (c) *Amendment of certification.* A firm must amend its certification within 90 days of the date a change occurs to information included in the firm's most recent application. If the firm fails to amend its certification within 90 days of the date the change occurs, the firm may not perform renovations or dust sampling until its certification is amended.
 - (1) To amend a certification, a firm must submit a completed "Application for Firms," signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment and indicating the information that has changed. The firm must also pay at least the correct amount of fees.
 - (2) If additional information is needed to process the amendment, or the firm did not pay the correct amount of fees, EPA will request the firm to submit the necessary information or fees. The firm's certification is not amended until the firm complies with the request.
 - (3) Amending a certification does not affect the certification expiration date.
- (d) *Firm responsibilities.* Firms performing renovations must ensure that:
 - (1) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with § 745.90.
 - (2) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90.
 - (3) All renovations performed by the firm are performed in accordance with the work practice standards in § 745.85.
 - (4) The pre-renovation education requirements of § 745.84 have been performed.
 - (5) The recordkeeping requirements of § 745.86 are met.

§ 745.90 Renovator certification and dust sampling technician certification.

(a) *Renovator certification and dust sampling technician certification.*

- (1) To become a certified renovator or certified dust sampling technician, an individual must successfully complete the appropriate course accredited by EPA under § 745.225 or by a State or Tribal program that is authorized under subpart Q of this part. The course completion certificate serves as proof of certification. EPA renovator certification allows the certified individual to perform renovations covered by this section in any State or Indian Tribal area that does not have a renovation program that is authorized under subpart Q of this part. EPA dust sampling technician certification allows the certified individual to perform dust clearance sampling under § 745.85(c) in any State or Indian Tribal area that does not have a renovation program that is authorized under subpart Q of this part.**
- (2) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who have successfully completed an EPA, HUD, or EPA/HUD model renovation training course may take an accredited refresher renovator training course in lieu of the initial renovator training course to become a certified renovator.**
- (3) Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician.**
- (4) To maintain renovator certification or dust sampling technician certification, an individual must complete a renovator or dust sampling technician refresher course accredited by EPA under § 745.225 or by a State or Tribal program that is authorized under subpart Q of this part within 5 years of the date the individual completed the initial course described in paragraph (a)(1) of this section. If the individual does not complete a refresher course within this time, the individual must re-take the initial course to become certified again.**

(b) *Renovator responsibilities.* Certified renovators are responsible for ensuring compliance with § 745.85 at all renovations to which they are assigned. A certified renovator:

- (1) Must perform all of the tasks described in § 745.85(b) and must either perform or direct workers who perform all of the tasks described in § 745.85(a).**
- (2) Must provide training to workers on the work practices they will be using in performing their assigned tasks.**
- (3) Must be physically present at the work site when the signs required by § 745.85(a)(1) are posted, while the work area containment required by § 745.85(a)(2) is being established, and while the work area cleaning required by § 745.85(a)(5) is performed.**
- (4) Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.**
- (5) Must be available, either on-site or by telephone, at all times that renovations are being conducted.**
- (6) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint.**
- (7) Must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.**
- (8) Must prepare the records required by § 745.86(b)(7).**

(c) *Dust sampling technician responsibilities.* When performing optional dust clearance sampling under § 745.85(c), a certified dust sampling technician:

- (1) Must collect dust samples in accordance with § 745.227(e)(8), must send the collected samples to a laboratory recognized by EPA under TSCA section 405(b), and must compare the results to the clearance levels in accordance with § 745.227(e)(8).
- (2) Must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

§ 745.91 Suspending, revoking, or modifying an individual's or firm's certification.

(a)

- (1) *Grounds for suspending, revoking, or modifying an individual's certification.* EPA may suspend, revoke, or modify an individual's certification if the individual fails to comply with Federal lead-based paint statutes or regulations. EPA may also suspend, revoke, or modify a certified renovator's certification if the renovator fails to ensure that all assigned renovations comply with § 745.85. In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.
- (2) *Grounds for suspending, revoking, or modifying a firm's certification.* EPA may suspend, revoke, or modify a firm's certification if the firm:
 - (i) Submits false or misleading information to EPA in its application for certification or re-certification.
 - (ii) Fails to maintain or falsifies records required in § 745.86.
 - (iii) Fails to comply, or an individual performing a renovation on behalf of the firm fails to comply, with Federal lead-based paint statutes or regulations. In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.

Training and Curriculum - Outline

§ 745.225 Accreditation of training programs; target housing and child-occupied facilities.

(a) *Scope.*

- (1) A training program may seek accreditation to offer courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines.
- (2) Training programs may first apply to EPA for accreditation of their lead-based paint activities courses or refresher courses pursuant to this section on or after August 31, 1998. Training programs may first apply to EPA for accreditation of their renovator or dust sampling technician courses or refresher courses pursuant to this section on or after April 7, 2009.
- (3) A training program must not provide, offer, or claim to provide EPA-accredited lead-based paint activities courses without applying for and receiving accreditation from EPA as required under paragraph (b) of this section on or after March 1, 1999. A training program must not provide, offer, or claim to provide EPA-accredited renovator or dust sampling technician courses without applying for and receiving accreditation from EPA as required under paragraph (b) of this section on or after June 6, 2008.

(b) *Application process.* There are procedures a training program must follow to receive EPA accreditation to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses.

(c) *Requirements for the accreditation of training programs.* For a training program to obtain accreditation from EPA to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses, the program must meet specific requirements.

- (d) *Minimum training curriculum requirements.* To become accredited to offer lead-based paint courses instruction in the various disciplines, training programs must ensure that their courses of study include, specific topics listed in the rule.
- (e) *Requirements for the accreditation of refresher training programs.* A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician.
- (f) *Re-accreditation of training programs.*
- (g) *Suspension, revocation, and modification of accredited training programs.*
- (h) *Procedures for suspension, revocation or modification of training program accreditation.*
- (i) *Training program recordkeeping requirements.*
 - (1) Accredited training programs shall maintain records.
 - (2) The training program shall retain these records at the address specified on the training program accreditation application (or as modified in accordance with paragraph (i)(3) of this section for a minimum of 3 years and 6 months.
 - (3) The training program shall notify EPA in writing within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.

Training and Curriculum - Rule

§ 745.225 Accreditation of training programs; target housing and child-occupied facilities.

(a) *Scope.*

- (1) A training program may seek accreditation to offer courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines.**
- (2) Training programs may first apply to EPA for accreditation of their lead-based paint activities courses or refresher courses pursuant to this section on or after August 31, 1998. Training programs may first apply to EPA for accreditation of their renovator or dust sampling technician courses or refresher courses pursuant to this section on or after April 7, 2009.**
- (3) A training program must not provide, offer, or claim to provide EPA-accredited lead-based paint activities courses without applying for and receiving accreditation from EPA as required under paragraph (b) of this section on or after March 1, 1999. A training program must not provide, offer, or claim to provide EPA-accredited renovator or dust sampling technician courses without applying for and receiving accreditation from EPA as required under paragraph (b) of this section on or after June 6, 2008.**

(b) *Application process.* The following are procedures a training program must follow to receive EPA accreditation to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses:

- (1) A training program seeking accreditation shall submit a written application to EPA containing the following information:**
 - (i) The training program's name, address, and telephone number.**
 - (ii) A list of courses for which it is applying for accreditation. For the purposes of this section, courses taught in different languages are considered different courses, and each must independently meet the accreditation requirements.**
 - (iii) A statement signed by the training program manager certifying that the training program meets the requirements established in paragraph (c) of this section. If a training program uses EPA-recommended model training materials, or training materials approved by a State or Indian Tribe that has been authorized by EPA under subpart Q of this part, the training program manager shall include a statement certifying that, as well.**
 - (iv) If a training program does not use EPA-recommended model training materials or training materials approved by an authorized State or Indian Tribe, its application for accreditation shall also include:**
 - (A) A copy of the student and instructor manuals, or other materials to be used for each course.**
 - (B) A copy of the course agenda for each course.**
 - (C) When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they had compared the course to the English language version and found the translation to be accurate.**
 - (v) All training programs shall include in their application for accreditation the following:**
 - (A) A description of the facilities and equipment to be used for lecture and hands-on training.**

- (B) A copy of the course test blueprint for each course.
 - (C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
 - (D) A copy of the quality control plan as described in paragraph (c)(9) of this section.
- (2) If a training program meets the requirements in paragraph (c) of this section, then EPA shall approve the application for accreditation no more than 180 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, EPA may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. EPA may also request additional materials retained by the training program under paragraph (i) of this section. If a training program's application is disapproved, the program may reapply for accreditation at any time.
- (3) A training program may apply for accreditation to offer courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this section.
- (4) A training program applying for accreditation must submit the appropriate fees in accordance with §745.238.
- (c) Requirements for the accreditation of training programs. For a training program to obtain accreditation from EPA to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses, the program must meet the following requirements:
 - (1) The training program shall employ a training manager who has:
 - (i) At least 2 years of experience, education, or training in teaching workers or adults; or
 - (ii) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or
 - (iii) Two years of experience in managing a training program specializing in environmental hazards; and
 - (iv) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
 - (2) The training manager shall designate a qualified principal instructor for each course who has:
 - (i) Demonstrated experience, education, or training in teaching workers or adults; and
 - (ii) Successfully completed at least 16 hours of any EPA-accredited or EPA-authorized State or Tribal-accredited lead-specific training; and
 - (iii) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
 - (3) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
 - (4) The following documents shall be recognized by EPA as evidence that training managers and principal instructors have the education, work experience, training

- requirements or demonstrated experience, specifically listed in paragraphs (c)(1) and (c)(2) of this section. This documentation need not be submitted with the accreditation application, but, if not submitted, shall be retained by the training program as required by the recordkeeping requirements contained in paragraph (i) of this section. Those documents include the following:
- (i) Official academic transcripts or diploma as evidence of meeting the education requirements.
 - (ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.
 - (iii) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.
- (5) The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.
- (6) To become accredited in the following disciplines, the training program shall provide training courses that meet the following training hour requirements:
- (i) The inspector course shall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the inspector course are contained in paragraph (d)(1) of this section.
 - (ii) The risk assessor course shall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on training activities. The minimum curriculum requirements for the risk assessor course are contained in paragraph (d)(2) of this section.
 - (iii) The supervisor course shall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The minimum curriculum requirements for the supervisor course are contained in paragraph (d)(3) of this section.
 - (iv) The project designer course shall last a minimum of 8 training hours. The minimum curriculum requirements for the project designer course are contained in paragraph (d)(4) of this section.
 - (v) The abatement worker course shall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the abatement worker course are contained in paragraph (d)(5) of this section.
 - (vi) The renovator course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the renovator course are contained in paragraph (d)(6) of this section. Hands-on training activities must cover renovation methods that minimize the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, and post-renovation cleaning verification.
 - (vii) The dust sampling technician course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the dust sampling technician course are contained in paragraph (d)(7) of this section. Hands-on training activities must cover dust sampling methodologies.
- (7) For each course offered, the training program shall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in

the alternative, a proficiency test for that discipline. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.

- (i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in paragraph (d) of this section.
 - (ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.
 - (iii) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.
- (8) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:
- (i) The name, a unique identification number, and address of the individual.
 - (ii) The name of the particular course that the individual completed.
 - (iii) Dates of course completion/test passage.
 - (iv) Expiration date of interim certification, which shall be 6 months from the date of course completion.
 - (v) The name, address, and telephone number of the training program.
 - (vi) For initial inspector, risk assessor, project designer, supervisor, or abatement worker course completion certificates, the expiration date of interim certification, which is 6 months from the date of course completion.
 - (vii) For renovator and dust sampling technician course completion certificates, a photograph of the individual.
 - (vii) The language in which the course was taught.
- (9) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:
- (i) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.
 - (ii) Procedures for the training manager's annual review of principal instructor competency.
- (10) Courses offered by the training program must teach the work practice standards contained in § 745.85 or § 745.227, as applicable, in such a manner that trainees are provided with the knowledge needed to perform the renovations or lead-based paint activities they will be responsible for conducting.
- (11) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this section.
- (12) The training manager shall allow EPA to audit the training program to verify the contents of the application for accreditation as described in paragraph (b) of this section.
- (13) The training manager must provide notification of lead-based paint activities courses offered.
- (i) The training manager must provide EPA with notification of all lead-based paint activities courses offered. The original notification must be received by EPA at least 7 business days prior to the start date of any lead-based paint activities course.

- (ii) The training manager must provide EPA updated notification when lead-based paint activities courses will begin on a date other than the start date specified in the original notification, as follows:
 - (A) For lead-based paint activities courses beginning prior to the start date provided to EPA, an updated notification must be received by EPA at least 7 business days before the new start date.
 - (B) For lead-based paint activities courses beginning after the start date provided to EPA, an updated notification must be received by EPA at least 2 business days before the start date provided to EPA.
 - (iii) The training manager must update EPA of any change in location of lead-based paint activities courses at least 7 business days prior to the start date provided to EPA.
 - (iv) The training manager must update EPA regarding any course cancellations, or any other change to the original notification. Updated notifications must be received by EPA at least 2 business days prior to the start date provided to EPA.
 - (v) Each notification, including updates, must include the following:
 - (A) Notification type (original, update, cancellation).
 - (B) Training program name, EPA accreditation number, address, and telephone number.
 - (C) Course discipline, type (initial/ refresher), and the language in which instruction will be given.
 - (D) Date(s) and time(s) of training.
 - (E) Training location(s) telephone number, and address.
 - (F) Principal instructor's name.
 - (G) Training manager's name and signature.
 - (vi) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Agency's Central Data Exchange (CDX). Written notification of lead-based paint activities course schedules can be accomplished by using either the sample form titled "Lead-Based Paint Activities Training Course Schedule" or a similar form containing the information required in paragraph (c)(13)(v) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery in order to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>.
 - (vii) Lead-based paint activities courses must not begin on a date, or at a location other than that specified in the original notification unless an updated notification identifying a new start date or location is submitted, in which case the course must begin on the new start date and/or location specified in the updated notification.
 - (viii) No training program shall provide lead-based paint activities courses without first notifying EPA of such activities in accordance with the requirements of this paragraph.
- (14) The training manager must provide notification following completion of lead-based paint activities courses.
- (i) The training manager must provide EPA notification after the completion of any lead-based paint activities course. This notice must be received by EPA no later than 10 business days following course completion.
 - (ii) The notification must include the following:

- (A) Training program name, EPA accreditation number, address, and telephone number.
 - (B) Course discipline and type (initial/refresher).
 - (C) Date(s) of training.
 - (D) The following information for each student who took the course:
 - (1) Name.
 - (2) Address.
 - (3) Date of birth.
 - (4) Course completion certificate number.
 - (5) Course test score.
 - (6) A digital photograph of the student.
 - (E) Training manager's name and signature.
- (iii) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Agency's Central Data Exchange (CDX). Written notification following lead-based paint activities training courses can be accomplished by using either the sample form titled "Lead-Based Paint Activities Training Course Follow-up" or a similar form containing the information required in paragraph (c)(14)(ii) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery in order to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>.
- (d) ***Minimum training curriculum requirements.*** To become accredited to offer lead-based paint courses instruction in the specific disciplines listed below, training programs must ensure that their courses of study include, at a minimum, the following course topics. Requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course.
- (1) ***Inspector.***
 - (i) Role and responsibilities of an inspector.
 - (ii) Background information on lead and its adverse health effects.
 - (iii) Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities.
 - (iv) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.*
 - (v) Paint, dust, and soil sampling methodologies.*
 - (vi) Clearance standards and testing, including random sampling.*
 - (vii) Preparation of the final inspection report.*
 - (viii) Recordkeeping.
 - (2) ***Risk assessor.***
 - (i) Role and responsibilities of a risk assessor.
 - (ii) Collection of background information to perform a risk assessment.
 - (iii) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.
 - (iv) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards.*
 - (v) Lead hazard screen protocol.
 - (vi) Sampling for other sources of lead exposure.*

- (vii) Interpretation of lead-based paint and other lead sampling results, including all applicable State or Federal guidance or regulations pertaining to lead-based paint hazards.*
- (viii) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
- (ix) Preparation of a final risk assessment report.
- (3) *Supervisor.*
 - (i) Role and responsibilities of a supervisor.
 - (ii) Background information on lead and its adverse health effects.
 - (iii) Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint abatement.
 - (iv) Liability and insurance issues relating to lead-based paint abatement.
 - (v) Risk assessment and inspection report interpretation.*
 - (vi) Development and implementation of an occupant protection plan and abatement report.
 - (vii) Lead-based paint hazard recognition and control.*
 - (viii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.*
 - (ix) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods.*
 - (x) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods.*
 - (xi) Clearance standards and testing.
 - (xii) Cleanup and waste disposal.
 - (xiii) Recordkeeping.
- (4) *Project designer.*
 - (i) Role and responsibilities of a project designer.
 - (ii) Development and implementation of an occupant protection plan for large scale abatement projects.
 - (iii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.
 - (iv) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.
 - (v) Clearance standards and testing for large scale abatement projects.
 - (vi) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.
- (5) *Abatement worker.*
 - (i) Role and responsibilities of an abatement worker.
 - (ii) Background information on lead and its adverse health effects.
 - (iii) Background information on Federal, State and local regulations and guidance that pertain to lead-based paint abatement.
 - (iv) Lead-based paint hazard recognition and control.*
 - (v) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.*
 - (vi) Interior dust abatement methods/cleanup or lead-based paint hazard reduction.*
 - (vii) Soil and exterior dust abatement methods or lead-based paint hazard reduction.*
- (6) *Renovator—*
 - (i) Role and responsibility of a renovator.
 - (ii) Background information on lead and its adverse health effects.

- (iii) Background information on EPA, HUD, OSHA, and other Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.
- (iv) Procedures for using acceptable test kits to determine whether paint is lead-based paint.
- (v) Renovation methods to minimize the creation of dust and lead-based paint hazards.
- (vi) Interior and exterior containment and cleanup methods.
- (vii) Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing.
- (viii) Waste handling and disposal.
- (ix) Providing on-the-job training to other workers.
- (x) Record preparation.
- (7) *Dust sampling technician.*
 - (i) Role and responsibility of a dust sampling technician.
 - (ii) Background information on lead and its adverse health effects.
 - (iii) Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.
 - (iv) Dust sampling methodologies.
 - (v) Clearance standards and testing.
 - (vi) Report preparation.
- (e) *Requirements for the accreditation of refresher training programs.* A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. To obtain EPA accreditation to offer refresher training, a training program must meet the following minimum requirements:
 - (1) Each refresher course shall review the curriculum topics of the full-length courses listed under paragraph (d) of this section, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:
 - (i) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
 - (ii) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
 - (iii) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
 - (2) Refresher courses for inspector, risk assessor, supervisor, and abatement worker must last a minimum of 8 training hours. Refresher courses for project designer, renovator, and dust sampling technician must last a minimum of 4 training hours.
 - (3) For each course offered, the training program shall conduct a hands-on assessment (if applicable), and at the completion of the course, a course test.
 - (4) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in paragraph (b) of this section. If so, EPA shall use the approval procedure described in paragraph (b) of this section. In addition, the minimum requirements contained in paragraphs (c) (except for the requirements in paragraph (c)(6)), and (e)(1), (e)(2) and (e)(3) of this section shall also apply.
 - (5) A training program seeking accreditation to offer refresher training courses only shall submit a written application to EPA containing the following information:
 - (i) The refresher training program's name, address, and telephone number.
 - (ii) A list of courses for which it is applying for accreditation.

- (iii) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in paragraph (c) of this section, except for the requirements in paragraph (c)(6) of this section. If a training program uses EPA-developed model training materials, or training materials approved by a State or Indian Tribe that has been authorized by EPA under §745.324 to develop its refresher training course materials, the training manager shall include a statement certifying that, as well.
 - (iv) If the refresher training course materials are not based on EPA-developed model training materials or training materials approved by an authorized State or Indian Tribe, the training program's application for accreditation shall include:
 - (A) A copy of the student and instructor manuals to be used for each course.
 - (B) A copy of the course agenda for each course.
 - (v) All refresher training programs shall include in their application for accreditation the following:
 - (A) A description of the facilities and equipment to be used for lecture and hands-on training.
 - (B) A copy of the course test blueprint for each course.
 - (C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).
 - (D) A copy of the quality control plan as described in paragraph (c)(9) of this section.
 - (vi) The requirements in paragraphs (c)(1) through (c)(5), and (c)(7) through (c)(14) of this section apply to refresher training providers.
 - (vii) If a refresher training program meets the requirements listed in this paragraph, then EPA shall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, EPA may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. EPA may also request additional materials retained by the refresher training program under paragraph (i) of this section. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.
- (f) *Re-accreditation of training programs.*
- (1) Unless re-accredited, a training program's accreditation (including refresher training accreditation) shall expire 4 years after the date of issuance. If a training program meets the requirements of this section, the training program shall be re-accredited.
 - (2) A training program seeking re-accreditation shall submit an application to EPA no later than 180 days before its accreditation expires. If a training program does not submit its application for re-accreditation by that date, EPA cannot guarantee that the program will be re-accredited before the end of the accreditation period.
 - (3) The training program's application for re-accreditation shall contain:
 - (i) The training program's name, address, and telephone number.
 - (ii) A list of courses for which it is applying for re-accreditation.
 - (iii) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the students ability to learn.
 - (iv) A statement signed by the program manager stating:

- (A) That the training program complies at all times with all requirements in paragraphs (c) and (e) of this section, as applicable; and
- (B) The recordkeeping and reporting requirements of paragraph (i) of this section shall be followed.
- (v) A payment of appropriate fees in accordance with §745.238.
- (4) Upon request, the training program shall allow EPA to audit the training program to verify the contents of the application for re-accreditation as described in paragraph (f)(3) of this section.
- (g) *Suspension, revocation, and modification of accredited training programs.*
 - (1) EPA may, after notice and an opportunity for hearing, suspend, revoke, or modify training program accreditation (including refresher training accreditation) if a training program, training manager, or other person with supervisory authority over the training program has:
 - (i) Misrepresented the contents of a training course to EPA and/or the student population.
 - (ii) Failed to submit required information or notifications in a timely manner.
 - (iii) Failed to maintain required records.
 - (iv) Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation.
 - (v) Failed to comply with the training standards and requirements in this section.
 - (vi) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
 - (vii) Made false or misleading statements to EPA in its application for accreditation or re-accreditation which EPA relied upon in approving the application.
 - (2) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.
- (h) *Procedures for suspension, revocation or modification of training program accreditation.*
 - (1) Prior to taking action to suspend, revoke, or modify the accreditation of a training program, EPA shall notify the affected entity in writing of the following:
 - (i) The legal and factual basis for the suspension, revocation, or modification.
 - (ii) The anticipated commencement date and duration of the suspension, revocation, or modification.
 - (iii) Actions, if any, which the affected entity may take to avoid suspension, revocation, or modification, or to receive accreditation in the future.
 - (iv) The opportunity and method for requesting a hearing prior to final EPA action to suspend, revoke or modify accreditation.
 - (v) Any additional information, as appropriate, which EPA may provide.
 - (2) If a hearing is requested by the accredited training program, EPA shall:
 - (i) Provide the affected entity an opportunity to offer written statements in response to EPA's assertions of the legal and factual basis for its proposed action, and any other explanations, comments, and arguments it deems relevant to the proposed action.
 - (ii) Provide the affected entity such other procedural opportunities as EPA may deem appropriate to ensure a fair and impartial hearing.
 - (iii) Appoint an official of EPA as Presiding Officer to conduct the hearing. No person shall serve as Presiding Officer if he or she has had any prior connection with the specific matter.
 - (3) The Presiding Officer appointed pursuant to paragraph (h)(2) of this section shall:
 - (i) Conduct a fair, orderly, and impartial hearing within 90 days of the request for a hearing.

- (ii) Consider all relevant evidence, explanation, comment, and argument submitted.
 - (iii) Notify the affected entity in writing within 90 days of completion of the hearing of his or her decision and order. Such an order is a final agency action which may be subject to judicial review.
- (4) If EPA determines that the public health, interest, or welfare warrants immediate action to suspend the accreditation of any training program prior to the opportunity for a hearing, it shall:
 - (i) Notify the affected entity of its intent to immediately suspend training program accreditation for the reasons listed in paragraph (g)(1) of this section. If a suspension, revocation, or modification notice has not previously been issued pursuant to paragraph (g)(1) of this section, it shall be issued at the same time the emergency suspension notice is issued.
 - (ii) Notify the affected entity in writing of the grounds for the immediate suspension and why it is necessary to suspend the entity's accreditation before an opportunity for a suspension, revocation or modification hearing.
 - (iii) Notify the affected entity of the anticipated commencement date and duration of the immediate suspension.
 - (iv) Notify the affected entity of its right to request a hearing on the immediate suspension within 15 days of the suspension taking place and the procedures for the conduct of such a hearing.
- (5) Any notice, decision, or order issued by EPA under this section, any transcripts or other verbatim record of oral testimony, and any documents filed by an accredited training program in a hearing under this section shall be available to the public, except as otherwise provided by section 14 of TSCA or by part 2 of this title. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidential treatment under section 14 of TSCA or part 2 of this title.
- (6) The public shall be notified of the suspension, revocation, modification or reinstatement of a training program's accreditation through appropriate mechanisms.
- (7) EPA shall maintain a list of parties whose accreditation has been suspended, revoked, modified or reinstated.
- (i) *Training program recordkeeping requirements.*
 - (1) Accredited training programs shall maintain, and make available to EPA, upon request, the following records:
 - (i) All documents specified in paragraph (c)(4) of this section that demonstrate the qualifications listed in paragraphs (c)(1) and (c)(2) of this section of the training manager and principal instructors.
 - (ii) Current curriculum/course materials and documents reflecting any changes made to these materials.
 - (iii) The course test blueprint.
 - (iv) Information regarding how the hands-on assessment is conducted including, but not limited to:
 - (A) Who conducts the assessment.
 - (B) How the skills are graded.
 - (C) What facilities are used.
 - (D) The pass/fail rate.
 - (v) The quality control plan as described in paragraph (c)(9) of this section.
 - (vi) Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.

- (vii) Any other material not listed above in paragraphs (i)(1)(i) through (i)(1)(vi) of this section that was submitted to EPA as part of the program's application for accreditation.**
- (2) The training program shall retain these records at the address specified on the training program accreditation application (or as modified in accordance with paragraph (i)(3) of this section for a minimum of 3 years and 6 months.**
- (3) The training program shall notify EPA in writing within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.**